IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

HAROLD RODGERS, #212385 Plaintiff,	*	
v.	*	CIVIL ACTION NO. CCB-05-1142
UNITED STATES DISTRICT COURT, CUSTODIAN OF RECORDS	*	
Defendant.	*	

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MEMORANDUM

On April 26, 2005, this Court received Plaintiff's request filed pursuant to the Maryland Public Information Act. Paper No. 1. He asks that the "Custodian of Records" provide him a copy of an affidavit submitted in *Rodgers v. Smith, et al.*, Civil Action No. CCB-95-920 (D. Md.).[1] *Id.*

The request has been construed as a Complaint filed pursuant to the Freedom of Information Act ("FOIA), 5 U.S.C. § 552, seeking federal district court records.[2] However, federal courts and the clerks offices that receive court pleadings are not "agencies" covered under the FOIA. Indeed, the FOIA, 5 U.S.C. § 552, does not apply to courts of the United States. *See* 28 U.S.C. § 551; *Smith v. United States District Court for the Southern District of Illinois*, 956 F.2d 647, 649 n.1 (7th Cir. 1992); *see also Cook v. Willingham*, 400 F. 2d 885, 885-86 (10th Cir. 1968); *Harris v. United States*, 121 F. R.

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[1] Plaintiff later requests that he be provided the entire court file in *Rodgers v. Smith, et al.*, Civil Action No. CCB-95-920.

[2] Plaintiff seeks to obtain information through the Maryland Public Information Act ("MPIA"), Md. Code Ann., State Gov't, §§ 10-611, *et seq*. The MPIA affords access to public records made by a unit or instrumentality of the State government or of a State political subdivision. *Id.* As this Court is not state agency or entity, the MPIA is inapplicable.

D. 652, 654 (W.D. N. C. 1988). Therefore, Plaintiff's FOIA complaint is hereby dismissed.[3]

A separate Order follows.[4]

Date: April 29, 2005 /s/

Catherine C. Blake
United States District Judge

[3] Plaintiff is of course free to request the copy work from the archived court file. The cost for retrieving a file from the Federal Archives is $45.00. The copy work cost is $.35 per page for outside copying and $.50 per page for in-house copying. Alternatively, Plaintiff may file a Motion for Copy Work at the Government's Expense in *Rodgers v. Smith, et al.*, Civil Action No. CCB-95-920, explaining what copy work he requires, why he needs it, and why he is not in possession of the materials..

[4] Plaintiff did not file the $250.00 civil filing fee or a motion for leave to proceed in forma pauperis. In light of the dismissal of this matter, he shall not be required to cure this deficiency.